

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney (797-1101)
Prepared by: Bradley Swing, Planner II

SUBJECT: Application LA(TXT)02-10, Amendment to the Future Land Use Element (FLUE) Text of the Comprehensive Plan

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT)02-10 AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE ELEMENT TEXT TO ESTABLISH POLICIES AND OBJECTIVES WHICH ENCOURAGE THE PRESERVATION AND ENHANCEMENT OF THE TOWN'S RURAL LIFESTYLE AND EQUESTRIAN LIFESTYLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The ordinance before Town Council this evening is based upon community input received at a series of public workshops and an analysis of the areas within Davie identified as containing rural qualities and characteristics. Staff is proposing language to amend the text of the FLUE of the Comprehensive Plan to establish policies and objectives which encourage the preservation and enhancement of the Town's rural/equestrian lifestyle. The proposed amendment to the FLUE text is Exhibit "A" to the attached ordinance. First reading to approve the transmittal of the ordinance will occur on October 16, 2002. Second reading of the ordinance will occur at a later date subsequent to review by the Florida Department of Community Affairs.

PREVIOUS ACTIONS: On July 3, 2002 the Town Council initiated a Zoning in Progress to preserve the rural and equestrian lifestyle of the Town. Four public workshops (December 11, 2001, February 27, 2002, May 6, 2002, and May 14, 2002) were subsequently held to gather residents and elected officials knowledge and individual perspectives on what rural qualities the Town desired to preserve. On October 2, 2002, ordinances before Town Council to amend the Land Development Code and establish an Open Space Design Overlay passed on first reading.

CONCURRENCES: The ordinance is scheduled for Public Hearing at the October 9, 2002 Local Planning Agency meeting.

FISCAL IMPACT: n/a

RECOMMENDATION(S): Staff recommends approval of the ordinance.

Attachment(s): Ordinance and Text language

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT)02-10 AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE ELEMENT TEXT TO ESTABLISH POLICIES AND OBJECTIVES WHICH ENCOURAGE THE PRESERVATION AND ENHANCEMENT OF THE TOWN'S RURAL LIFESTYLE AND EQUESTRIAN LIFESTYLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Future Land Use Element of the Comprehensive Plan; and

WHEREAS, the Town of Davie Local Planning Agency held a public hearing on October 9, 2002, noticed in accordance with Section 12-303 of the Code of Ordinances of the Town of Davie and Chapter 163.3184(15), Florida Statutes; and

WHEREAS, the Town Council of the Town of Davie held a public hearing on October 16, 2002, noticed in accordance with Section 12-303 of the Code of Ordinances of the Town of Davie and Chapter 163.3184(15), Florida Statutes; and

WHEREAS, the proposed amendment is in conformance with the Town of Davie Comprehensive Plan and the Broward County Land Use Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the Future Land Use Element text of the Comprehensive Plan heretofore adopted by the Town Council be and the same is hereby amended according to Exhibit "A", attached hereto and made a part thereof.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. The Town Council of the Town of Davie authorizes the Town Administrator or designee to transmit Application LA(TXT)02-10, with a recommendation of approval, to the Florida Department of Community Affairs.

SECTION 5. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, F.S.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2002

PASSED ON SECOND READING THIS ____ DAY OF _____, 2002

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002

EXHIBIT “A”

OBJECTIVE 17: LAND USE COMPATIBILITY AND COMMUNITY APPEARANCE

Comprehensive Plan policies and land development regulations shall continue to encourage preservation, enhancement and maintenance of the Town’s semi-rural character, rural/equestrian lifestyle and western themed downtown business district. The Town shall encourage elimination of land uses found to be inconsistent with the character of the community and prevention of future incompatible uses.

- **Policy 17-1:** Lands designated for non-residential use shall be located in a manner which facilitates development, but does not adversely impact existing and designated residential areas.
- **Policy 17-2:** No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.
- **Policy 17-3:** Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.
- **Policy 17-4:** Land development regulations shall address the size, quantity, location and character of on-premises and off-premises signs, to promote community aesthetics and protect the health, safety and welfare of Town residents. The Town shall evaluate and revise the sign regulations as necessary to provide for the elimination of existing signage that is inconsistent with the community character.
- **Policy 17-5:** Land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.
- **Policy 17-6:** Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.
- **Policy 17-7:** Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements and minimum open space criteria to enhance living and working environments.
- **Policy 17-8:** The Town shall use mechanisms such as code enforcement, Safe Neighborhoods District/neighborhood improvement districts, and public information programs to encourage maintenance of existing residential communities and residential structures.
- **Policy 17-9:** The Town shall maintain or enhance its western theme district and accompanying regulations and design standards.

- **Policy 17-10:** The Town shall preserve the environment and character of rural areas using creative land use and planning techniques.

- **Policy 17-11:** The Town shall establish the following Rural Lifestyle Regulations to further the existing rural lifestyle and equestrian lifestyle of the Town:
 - a. Scenic Corridor Overlay District – The Town shall establish a Scenic Corridor Overlay District and adopt land development regulations to address landscape requirements and the visual encroachment of buildings and structures along the scenic corridors.

 - b. Rural Lifestyle Development Regulations – The Town shall establish zoning regulations to ensure that development is compatible with the surrounding land uses and maintains and enhances the rural character of the Town.

 - c. Site Design Regulations – The Town shall establish design standards for residential development in the three residential zones (AG, A-1 and R-1) applicable to the Rural Lifestyle Initiative.

 - d. Open Space Design Overlay – The Town shall establish regulations to offer an alternative to traditional subdivisions through the use of Open Space Design in order to preserve existing open space and other natural features and provide greater flexibility in the design of residential developments.